

January 8, 2007

A JOINT DOC-METI INITIATIVE
FOR ENHANCED U.S.-JAPAN COOPERATION
ON IPR PROTECTION AND ENFORCEMENT
AND OTHER GLOBAL ISSUES

Since the U.S. Department of Commerce (DOC) and Japan's Ministry of Economy, Trade and Industry (METI) launched the "Joint DOC-METI Initiative for Enhanced U.S.-Japan Cooperation on IPR Protection and Enforcement and Other Global Issues" (Joint Initiative) in March 2006, steady progress has been made in addressing issues of mutual interest in five areas: IPR protection and enforcement, standards and conformity assessment, export controls, clean development and climate, and information security. With the goals of promoting and protecting the interests of their business communities at home and abroad and fostering innovation, the DOC and METI agree to renew the Joint Initiative and expand their collaborative efforts in these five areas.

I. IPR Protection and Enforcement

Protection and enforcement of IPR, including patents, is critical to promoting innovation as a main vehicle of economic growth in the global economy. As part of a broader cooperative effort by the United States and Japan to enhance IPR protection and enforcement, the DOC and METI will strengthen cooperation in the following areas:

A. Streamlining and Harmonizing the International Patent System

The DOC and METI, in particular the U.S. Patent and Trademark Office and the Japan Patent Office, respectively, have been cooperating in efforts toward more expeditious and efficient patent procedures, as well as harmonization of patent systems, through such programs as the Patent Prosecution Highway¹ (PPH) pilot program. The DOC and METI will continue to demonstrate leadership in the world by taking the following proactive approach, with a view to streamlining and harmonizing the international patent system such that expeditious, inexpensive, and high-quality patent protection can be ensured on a global scale.

1. Promote mutual utilization of patent examination results and enhance work-sharing with the aim of expeditious and high-quality patent acquisition.
 - Commence full implementation of the PPH in July 2007, as appropriate, and work together to expand the implementation of the PPH to other countries' patent offices.

¹ Under the PPH, if an invention contained in a patent application has been determined patentable in the first-filing patent office, the corresponding patent application for the same invention can be eligible for an expedited examination in the second-filing patent office, provided that search and examination results of the first-filing patent office are furnished to the second-filing patent office.

- Conduct a study on an analogous pilot project with regard to the New Route Project Proposal² for internationally filed applications.
2. Promote the standardization of patent application formats and the electronic exchange of priority documents, in order to reduce procedural and financial burdens on globally operating applicants in connection with filing patent applications abroad.
 - Start a pilot program concerning a standard patent application format within 2007. The DOC and METI will also continue to work together toward the standardization of application formats on a global scale.
 - Start electronic exchange of priority documents between the two countries in July 2007. The DOC and METI will cooperate in building a global system that enables efficient electronic exchange of priority documents.
 3. Promote the harmonization of substantive patent laws/examination practices of different countries/regions.
 - Proceed with work on the Substantive Patent Law Treaty, in close cooperation with European nations, with a view to early realization of patent system harmonization.
 - Conduct several comparative studies of examination practices between both countries. The first study will focus on the description requirement. That study will be followed by a study on the inventive step/non-obviousness requirement. Continue discussions regarding a proposed comparative study on nanotechnology.
 4. Continue to explore appropriate measures for further collaboration, taking into consideration the views of stakeholders.

B. Enhancing Cooperation to Combat IPR Piracy and Counterfeiting

Since March 2006, the DOC and METI have conducted regular information exchanges and engaged in other activities under the Joint Initiative that have created opportunities to increase each other's understanding of, and ability to combat, IPR piracy and counterfeiting. This work has been complemented by efforts of the DOC and METI to develop and expand networks of IPR specialists in third countries. In addition to continuing work to fully implement existing cooperation, the DOC and METI will endeavor to explore or further enhance cooperation in the following areas:

² An international arrangement by which a patent application filed in a Member country is deemed to have been filed in other member countries, thereby reducing the burden of global filing procedures. This international arrangement will also maximize mutual utilization of search/examination results, by means of regulating an internationally coordinated timeframe under which the first-filing patent office conducts the initial search/examination, with the second-filing patent office then utilizing the results.

1. Enhance information exchanges and discussions between DOC and METI officials, including those active in networks of IPR specialists at embassies, consulates, and Japan External Trade Organization (JETRO) offices located abroad, on IPR infringement, best practices for IPR protection and enforcement, and possibilities for cooperation on IPR issues in third countries.
2. Explore possibilities for further cooperation to strengthen IPR protection and enforcement in third countries and enhance IPR-related outreach efforts.
 - Discuss effective methods to provide IPR-related technical assistance to third countries and explore ways to collaborate by, for example, hosting joint programs, workshops, seminars, and other related activities, as appropriate.
 - Discuss possibilities for disseminating coordinated messages to the public on the importance of IPR protection.
 - Consider ways to increase awareness among the business communities and general public in both countries of reports and other types of information on IPR issues that the DOC and METI release.
 - Increase efforts to coordinate outreach to industry on IPR issues by jointly providing support for or hosting roundtable discussions or other events when appropriate, and making efforts to send representatives, as observers or active participants, to events hosted by the other.
 - Explore ways to facilitate discussions on IPR issues between U.S. and Japanese business communities in third countries, especially where the relationship between these communities is comparatively less developed.
 - Enhance discussions of ways to protect IPR at national and international trade shows.
3. Review periodically the status of DOC-METI cooperation on IPR issues to assess progress, identify accomplishments, and discuss possibilities for further strengthening and expanding cooperation.

II. Standards and Conformity Assessment

The DOC and METI have held productive annual standards and conformity assessment dialogs between the DOC's National Institute of Standards and Technology (NIST) and METI for over ten years. In addition, DOC and METI (including incorporated administrative agencies under METI) occasionally exchanged non-technical standards and conformity assessment information informally, including between their officials posted abroad. The DOC and METI will further strengthen their cooperation in standards and conformity assessment-related issues by:

- A. Fostering technical cooperation in metrology, standards development, and emerging strategic fields like nanotechnology; and supporting such activities through the annual NIST-METI Dialog and interaction in other fora of mutual interest; and
- B. Exchanging information through periodic meetings between the appropriate DOC and METI (including incorporated administrative agencies under METI) officials in the United States, Japan, and abroad on other developments in standards, conformity assessment procedures, and technical regulations; and considering the possibility of enhanced cooperation on these issues.

III. Export Controls

Secure trade remains one of the most critical issues confronting the world economy, and the U.S. and Japanese Governments are continuing to cooperate closely to address this challenge. The DOC and METI will continue exchanging information on export controls and collaborate in strengthening export controls in the Asian region including cooperation on the “Asian Export Control Seminar.”

IV. Clean Development and Climate Issues

The United States and Japan have been enhancing cooperation through the Asia-Pacific Partnership on Clean Development and Climate to address the serious and long-term challenges of energy and environmental issues. Collaborating with the private sector, the DOC and METI will contribute to the aims of promoting the development, diffusion, deployment, and transfer of cleaner, more efficient technologies and meeting national pollution reduction, energy security, and climate change concerns. The DOC and METI will explore developing possible programs to deepen cooperation and further involve the private sector.

V. Information Technology Security

The DOC and METI will cooperate as appropriate in exchanging information on information technology (IT) security and evaluation methods between their relevant agencies in order to better secure information infrastructure.